

**ADOPTED BY
FEB 01 2010
COUNCIL**



**MUNICIPAL CLERK
ATLANTA, GEORGIA**

10-R-0174

A RESOLUTION

**BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE**

BE IT RESOLVED BY the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **Abel Barron** the sum of **\$1,338.00** as full and final settlement and satisfaction of all claims, past, present and future, of every kind and character, for property damages alleged to have been sustained as a result of **driving over a recessed manhole on October 6, 2009 at 2893 Castlewood Drive** as is more particularly set forth in the within claim; said sum taken from and charged to Account **5051/170201/5750002/4310000**.

A true copy,

A handwritten signature in black ink, appearing to read "Res. [unclear]", written over the text "A true copy,".

Deputy Clerk

**ADOPTED by the Atlanta City Council
APPROVED by Mayor Kasim Reed**

**FEB 01, 2010
FEB 09, 2010**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 09L0862

Date: December 30, 2009

Claimant/Victim: Abel Barron

BY:(Atty)(Ins. Co.)

Address: 5023 Beth Street, Douglasville, GA 30135

Subrogation: Claim for Property damage \$ 2,043.74 Bodily Injury \$

Date of Notice: 10/29/09 Method: Written, proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence: 10/6/09 Place: 2893 Castlewood Drive

Department: Watershed Management Bureau: Wastewater Treatment and Collections Office:

Employee involved: Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that he sustained damage to his vehicle when he drove over a recessed manhole. The investigation determined that although the City did not have notice of the hazardous condition prior to the claimant's incident, the condition of the manhole suggests that it had existed for a length of time that the notice of same is implied.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures X Diagrams Reports: Police Dept Report X Other

Traffic citations issued: City Driver Claimant Driver

Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial

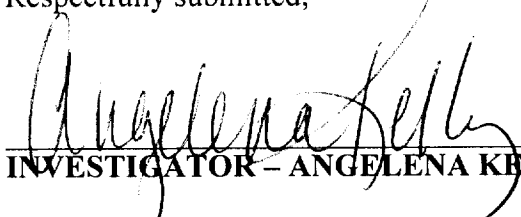
Improper Notice More than Six Months Other Damages reasonable

City not involved Offer rejected Compromise settlement X

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent City Negligent X Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - ANGELENA KELLY

RECOMMENDATION:

Pay \$ 1,338.00 Adverse Account charged: General Fund Water & Sewer X Aviation

Claims Manager:  Concur/date 11/12/10

Committee Action: Council Action

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, SW
Atlanta, Georgia 30303

RE: CLAIM FOR DAMAGES

Today's Date: 10/15/09

ENTERED - 11-10-09 - SB
09L0862 - A. KELLY

Kelly
11/10/09

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ 2,043.74 property and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: 10/06/09 2. Time of incident: 10:00 AM 3. Police called: NO
4. Location of incident (including street address): 2893 Castlewood DR. NW Atlanta GA.
5. Name of your insurance company: ALLSTATE Policy No. 095 565 851
6. State what and how incident occurred: _____

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle.

Your vehicle: Honda 1995 AVA 2499 Abel Barron
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: _____
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: Samuel A. McKnight, Jr. 404-813-9115
10. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. Claims must be received within 6 months from the date of the event.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

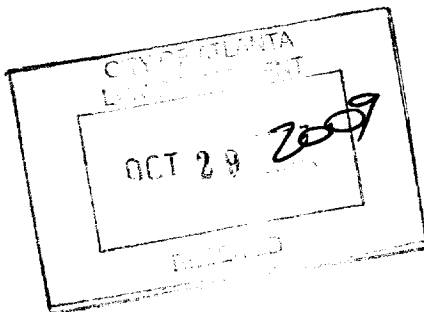
Abel Barron
Signature of Claimant

Abel Barron
(Print Claimant's Name)

5023 Beth st.
(Address)

Douglasville GA. 30135
(City, State and Zip Code)

(7) 770-900-2063 (7) 577-3875
(Work Number) (Home Number)



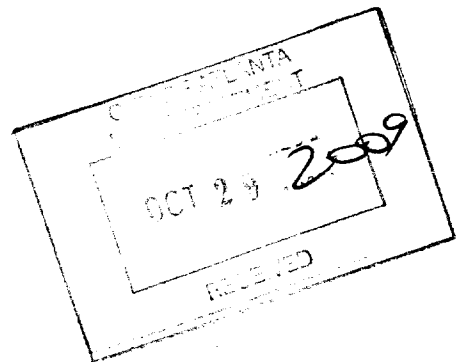
10- R -0174

Around ten o'clock we were on our way to work going towards Rockingham dr. As we passed 2893 castlewood dr. Atlanta, we felt as if something had hit the bottom of the car. Then a few moments later we felt like if something felt apart.

The car drove maybe 100ft then suddenly shut down. We exited the vehicle and noticed there was transmission fluid leaking from the car and flowing down the road.

I noticed what may have been the cause of the accident. There was a sewer and it looked like someone was trying to repair the road, there was some road work in the same area within a 100ft of where we felt the car being hit.

The road was uneven and the sewer was sticking out from the road. Also, due to the impact the left and right front signal lights were disassembled due to the hit.



RCS# 42
2/01/10
2:07 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

B Smith	Y Archibong	Y Moore	Y Bond
NV Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

CONSENT I



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		02-01-10
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 10-O-0118 2. 10-O-0119 3. 10-O-0120 4. 10-O-0121 5. 10-O-0122 6. 10-O-0123 7. 10-O-0126 8. 10-O-0127 9. 10-O-0128 10. 10-O-0129 11. 10-O-0220 12. 10-O-0221 13. 10-O-0057 14. 10-O-0135 15. 10-R-0134 16. 10-R-0162 17. 10-R-0227 19. 10-R-0164 20. 10-R-0165 21. 10-R-0166 22. 10-R-0169 23. 10-R-0170 24. 10-R-0171 25. 10-R-0222 26. 10-R-0228 27. 10-R-0173 28. 10-R-0174 29. 10-R-0175 30. 10-R-0176 31. 10-R-0177 32. 10-R-0178 33. 10-R-0179 34. 10-R-0180 35. 10-R-0181	36. 10-R-0182 37. 10-R-0183 38. 10-R-0184 39. 10-R-0185 40. 10-R-0186 41. 10-R-0187 42. 10-R-0188 43. 10-R-0189 44. 10-R-0190 45. 10-R-0191 46. 10-R-0192 47. 10-R-0193 48. 10-R-0194 49. 10-R-0195 50. 10-R-0196 51. 10-R-0197 52. 10-R-0198 53. 10-R-0199 54. 10-R-0200 55. 10-R-0201 56. 10-R-0202 57. 10-R-0203 58. 10-R-0204 59. 10-R-0205	